

SECOND ANNUAL REPORT

of the President of the Residual Special Court for Sierra Leone



January 2015– December 2015





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Special Court for Sierra Leone*



2nd



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FOREWORD

The Secretary-General of the United Nations; Ban Ki-moon; The President of the Republic of Sierra Leone, Dr Ernest Bai Koroma; Your Excellencies,

It is my honour and privilege to submit to you the Second Annual Report on the operations and activities of the Residual Special Court for Sierra Leone (“Residual Special Court”), covering the period 1st January 2015 to 31st December 2015.

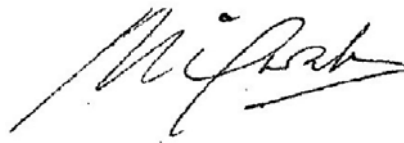
In my previous annual report, I highlighted the transitional steps the court put in place in readiness for its mandate under the Agreement and Statute that govern its operations. I also highlighted various applications by convicted persons seeking early release from prison and one challenging the terms and conditions of his imprisonment. During the reporting period, the court made decisions on all those matters and continues to monitor and enforce the sentences.

On a happy note the Ebola menace in Sierra Leone came to an end in the second half of the reporting period. As a result, regular contacts with witnesses and victims were resumed and effective protection reassured. It was also a happy occasion for all Hon. Judges of the Court to gather in plenary and review the activities of the court. An intellectually stimulating seminar preceded the plenary where invited judges and academics from other institutions exchanged views on emerging issues on international criminal justice system.

Your Excellencies, as reported earlier, budgetary concerns continue to threaten the smooth operation of the Court, and it is my earnest be-

lief and hope that your Excellencies, through the Oversight Committee, shall continue to shore up all efforts at raising operational funds.

I am greatly indebted to the Judges of the Court who have not only kept their faith with the Court and its leadership, but also regularly engaged in activities such as conferences, seminars and/or round table discussions to deliver lectures on Special Court /Residual Special Court jurisprudence and related topics. The offices of the Registrar, the Prosecutor and the Defence have been steadfast in discharging the mandate of the court and their efforts are also deeply appreciated.



The Hon. Mr. Justice Philip Waki
President of the Residual Special
Court for Sierra Leone,
The Hague, Netherlands



INTRODUCTION

The President of the Residual Special Court for Sierra Leone (“Residual Special Court”) issues this Second Annual Report (“Second Report”) pursuant to Article 26(1) of the Statute of the Residual Special Court (Statute) which states:

The President of the Residual Special Court shall submit an annual report on the operation and activities of the Residual Special Court to the Secretary-General and to the Government of Sierra Leone.

The report provides an update on the Residual Special Court’s work, including the fulfilment of its primary mandate, and reports on the major activities of all sections of the Residual Special Court, namely the Chambers, the Office of the Prosecutor and the Registry during the second year of its existence. It covers the period from 1 January to 31 December 2015.

PRIMARY MANDATE

The Residual Special Court was established pursuant to an Agreement dated 11 August 2010, between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (the “Agreement”). The Agreement was ratified by the Sierra Leone Parliament on 15 December 2011 and signed into law on 1 February 2012.

Pursuant to Article 1(1) of the Agreement:

There is hereby established a Residual Special Court for Sierra Leone (“the Residual Special Court”) to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court.

Article 1(1) of the Statute annexed to the Agreement sets out the competence of the Residual Special Court as follows:

The purpose of the Residual Special Court is to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court. To that end, the Residual Special Court shall: maintain, preserve and manage its archives, including the archives of the Special Court; provide for witness and victim protection and support; respond to requests for access to evidence by national prosecution authorities; supervise enforcement of sentences; review convictions and acquittals; conduct contempt of court proceedings; provide defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; respond to requests from national authorities with respect to claims for compensation; and prevent double jeopardy.

Furthermore, pursuant to Article 1(2) of the Statute:

The jurisdiction of the Residual Special Court is limited to persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law



committed in the territory of Sierra Leone since 30 November 1996. That is, the Residual Special Court shall have the power to prosecute the remaining fugitive Special Court indictee if his case has not been referred to a competent national jurisdiction, and to prosecute any cases resulting from review of convictions and acquittals.

The Residual Special Court continued to execute successfully its mandate during the period under review. In line with its on-going functions which are managed by its small permanent offices in Freetown and The Hague, the Residual Special Court activities included maintenance, preservation and management of the archives, witness protection and support, assistance to national prosecution authorities and supervision of prison sentences including early releases. The on-going functions also include pardon

and commutation of sentences, when the need arises. The *ad hoc* functions for which the Residual Special Court will convene if required include the trial of Johnny Paul Koroma, review of convictions and acquittals, contempt of court proceedings, defence counsel and legal aid issues, claims for compensation and prevention of double jeopardy.

COMPOSITION AND STRUCTURE

In line with the Agreement, even though the Residual Special Court's principal seat remains in Freetown, it carries out its functions at an interim seat in The Netherlands with a sub office in Freetown for witness and victim protection and support. During the reporting period, the Residual Special Court was funded by voluntary contributions from the international community, and its

Oversight Committee continued to assist in obtaining adequate funds and to provide advice and policy direction on non-judicial aspects of the Court.

Pursuant to Article 2 of the Agreement, the Residual Special Court maintained its composition of the Chambers consisting of 16 Judges including the President on a roster, along with the Prosecutor and the Registrar.

The President and Judges continued to work remotely, or at the Court's principal or interim seat as required.

THE CHAMBERS

JUDICIAL PROCEEDINGS

Trial Chamber

As previously reported, Mr. Taylor filed a “Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda.” On 30 January 2015, the Trial Chamber denied Mr. Taylor’s Motion in its Decision on Charles Ghankay Taylor’s Motion for Termination of Enforcement of Sentence in the United Kingdom and for the Transfer to Rwanda. The Trial Chamber found that: (i) the circumstances considered by the President in making the Order which designated the United Kingdom as the State in which Taylor is to serve the remainder of his sentence had not changed, and that accordingly, Taylor’s further arguments on the issues already decided by the President were inadmissible; (ii) Taylor’s inability to receive visits from his wife and two daughters was not due to any interference with his Article 8 right of the European Convention on Human Rights to family life by the United Kingdom authorities or by the Residual Special Court, but such inability was due purely to his wife’s failure to comply with United Kingdom visa requirements and to her ignoring the assistance offered to her to re-apply; (iii) Taylor was not being held in conditions of sensory or relative isolation and no inhuman or degrading treatment had been established, and the conditions of his imprisonment accorded to international standards; (iv) Taylor had failed to establish any violation of his Article 3 rights of the European Convention on Human

Rights (prohibition of torture and inhuman and degrading treatment or punishment) in regards to strip searches; and (v) all reasonable measures had been taken to ensure Taylor’s security.

A public version of the Decision was issued on 25 March 2015. On 25 May 2015, the President upheld the Trial Chamber’s 30 January 2015 Decision, and denied Taylor’s application for leave to file an appeal against the Trial Chamber’s Decision.



THE OFFICE OF THE PRESIDENT

JUDICIAL ACTIVITIES

On 29 January 2015, the President acting *suo motu* pursuant to Rule 81(B) and pursuant to Rules 19 and 54(B) issued an Order authorizing the Registrar to Amend the Index System of Filings Submitted Before the Residual Special Court since its inception from the “SCSL” to the “RSCSL” index.

On 30 January 2015, five Practice Directions as amended and issued by the President were adopted. These were:

- Practice Direction for Certain Appeals Before the Residual Special Court for Sierra Leone,
- Practice Direction on Filing *Amicus Curiae* Applications Pursuant to Rule 74 of the Rules of Procedure and Evidence,
- Practice Direction on Filing Documents Before the Residual Special Court for Sierra Leone,
- Practice Direction on Filing Documents Under Rule 72 of the Rules of Procedure and Evidence Before the Appeals Chamber of the Residual Special Court for Sierra Leone,
- and Practice Direction on the Structure of Grounds of Appeal Before the Residual Special Court for Sierra Leone.
- Practice Direction on the Procedure Following a Request to Take a Statement from a Person in the Custody of the Residual Special Court for Sierra Leone (adopted 3 June 2015);

On 6 February 2015, Defence for Charles Taylor filed an Application before the President for Leave to Appeal the Trial Chamber’s Decision on Motion for Termination of Enforcement in the United Kingdom and for Transfer to Rwanda, pursuant to Rule 73(B) of the Rules of Procedure and Evidence. The Trial Chamber was convened by the President pursuant to Article 13(1) of the Statute to hear and determine all matters arising from Mr. Taylor’s Motion. On 16 February 2015, the Prosecutor filed a response to the Defence Application for Leave. It requested that the Motion be dismissed as lacking any basis in law because (i) it mischaracterised the administrative nature of the matter and consequently the character of the relief requested, and (ii) Rule 73(B) was inapplicable in the matter. The Prosecutor argued in the alternative that even if the President considered that Rule 73(B) was applicable, the Defence had failed to satisfy the conjunctive tests of the Rule requiring a showing of exceptional circumstances and irreparable prejudice for leave to appeal to be granted.

The President issued his Decision on Charles Ghankay Taylor’s Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda and on Defence Application for Leave to Appeal Decision on Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda on 21 May 2015. According to the Decision, the issues arising for deliberation in the Motion for

Transfer and the Application for Leave were intertwined and raised two questions:

- (i) Whether the designation of place of imprisonment and supervision of enforcement of sentences, including implementation of sentence enforcement agreements, were purely administrative or judicial matters, and
- (ii) Whether the Defence application for leave was admissible pursuant to Rule 73(B).

On the first issue the President held, relying in particular on Special Court and Residual Special Court applicable law and jurisprudence, that decisions on designation of state of enforcement and the supervision of enforcement of sentences at the Residual Special Court were administrative and lie with the President. It is the President who, on the basis of information submitted and “any other inquiries he may choose to make”, designates the state where imprisonment should be served. By parity of reasoning, it is the prerogative of the President to determine through a similar consultative process whether a transfer from that State to any other state is merited. The President further held that *a fortiori*, the mere appointment of a “Trial Chamber” pursuant to Article 13(1) of the Statute to hear and determine all matters arising from the Defence Motion does not convert or change the administrative character of the issue of designation of place of imprisonment or supervision of enforcement thereof into a judicial process. In particular, in accordance with Paragraph 5 of the Special Court Practice Direction for Designation of State of Enforcement, the President was not limited in the sources of information upon which his Decision could be based.

On the second issue, the President held that Rule 73(B) deals with interlocutory appeals and that the Rule was therefore inapplicable and could not be invoked in the present case. The Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda was dismissed, and the leave sought to appeal the Trial Chamber’s Decision on Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda Application was denied.

The President later issued an Order to Re-classify all filings in the Defence Application for Leave to Appeal Decision on Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda as “public” on 25 May 2015. This was in line with the earlier re-classification of the Trial Chamber’s Decision as “public” on 25 March 2015.

CONDITIONAL EARLY RELEASE MATTERS

Independent Counsel v Moinina Fofana (Case No. RSCSL-04-14-ES)

On 20 February 2015, pursuant to his Decision of 11 August 2014 in which Special Court convicted person Moinina Fofana (“Fofana”) was granted Conditional Early Release subject to the fulfilment of certain conditions, the President issued the Supervision and Transfer Order (as contained in Annex D of the Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone) in Fofana’s Application for Conditional Early Release. The conditions which Fofana was required to fulfil before being granted Conditional Early Release included service by him of

a further period of six months in prison custody from the date of the Decision. During those six months the Registrar, in conjunction with the prison authorities in Rwanda, was to ensure that Fofana underwent training at the end of which the Registrar was to certify that: (i) he had so far as his level of intelligence could take him understood the nature of the crimes for which he was convicted in that they constituted crimes against humanity and were serious violations of International Humanitarian Law and the Geneva Conventions; (ii) he had understood that what may be a legitimate cause does not justify the use of illegal means; and (iii) he acknowledged his own responsibility and the leadership role that he played in the armed conflict in Sierra Leone. Fofana was released upon execution of a Conditional Early Release Agreement in accordance with Article 9(C) of the Practice Direction on Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone. The Registry Section sets out the administrative process leading up to Fofana’s Conditional Early Release.

OTHER CHAMBERS ACTIVITIES

Residual Special Court Second Plenary of Judges

The 2nd Plenary of Judges of the Residual Special Court was held at its offices in The Hague from 30 November to 4 December 2015. The Plenary meetings were preceded by a one day pre- plenary seminar for Judges which consisted of delivery of papers on various topics by selected Judges of the Residual Special Court as well as by guest speakers from Leiden University in The Netherlands and the International Criminal Tribunal for the former Yugoslavia. Among the topics were the following:

- “Recent developments in *ad hoc* international criminal justice with special reference to the Central African Republic and Kosovo”, by Justice Andrew Hatton.
- “The work and mandate of treaty bodies and the interrelated influence between them and international courts”, by Justice Renate Winter.
- “CEDAW, with emphasis on sexual violence in conflict”, by Justice Teresa Doherty .
- “The challenges of application of civil law and common law in international courts and tribunals”, by Justice Pierre Boutet.
- “From LRA to ISIS: A reflection on the status of children in armed conflicts and the emerging challenges to security accountability”, by Justice Elizabeth Nahamya.
- “Relevance & future of International Judicial response to threats on world peace & security”, by Ms. Michelle Jarvis.
- “Emerging issues on residual mechanisms”, by Dr. Jens Iverson.

Invited guests to the seminar included judges from sister courts and tribunals including the International Criminal Court, International Criminal Tribunal for the Former Yugoslavia and Special Tribunal for Lebanon. The Plenary deliberated on proposals for amendments to the Rules and amended Rule 45 thereof. The Plenary also deliberated on the draft First (2014) and Second (2015) Annual Reports on the operation and activities of the Residual

Special Court to be submitted to the United Nations Secretary-General and the Government of Sierra Leone. The Judges elected Justice Jon Kamanda for a second term as Vice President, Justice Pierre Boutet as Staff Appeals Judge and Justice Elizabeth Nahamya as Deputy Staff Appeals Judge. The Plenary was also presented with and approved the finalization of the jurisprudential legacy project of the Appeals Chamber titled: “Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone” which will be launched in early 2016.

Presentations on Special Court /Residual Special Court Jurisprudence and Awards Received

The Judges of the Residual Special Court also participated in activities such as conferences, seminars and/or round table discussions, and delivered lectures on Special Court /Residual Special Court jurisprudence and related topics during the reporting period. Some of these activities are as follows:

As Vice President of the Committee on the Rights of the Child (CRC), Justice Renate Winter delivered lectures during a seminar in Bulgaria organised by their Ministry of Justice about victim and witness protection citing the jurisprudence of and relying on the example of the Special Court. She also participated in an information round table of the CRC on the same issue, and held discussions with delegations of member states to the CRC on the issue of child soldiers and early/forced marriages, also citing the jurisprudence of the Special Court. Justice Winter acted as rapporteur for Iraq, Eritrea, Honduras and Laos, and held discussions with representatives of the Civil Society (NGOs and INGOs) about the same

issues in Iran. In Uzbekistan (on the invitation of the Human Rights Institute concerning the Optional Protocol to the CRC on Children in Armed Conflict), Bangladesh, Brazil and Madagascar, Justice Winter lectured on child soldiers and children affected by armed conflicts (e.g. forced marriages) and the jurisprudence of the Special Court on behalf of the CRC.

Justice Renate Winter also delivered a lecture to the Free University of Tbilisi, TSU, Ilia State University, GIPA, GAU, and the University of Georgia (all universities in Tbilisi, Georgia) entitled: “The Role of the Court in the Protection of Human Rights”, citing the jurisprudence of the Special Court and Residual Special Court.

In August 2015, Justice Elizabeth Nahamya chaired a three-member panel to select a new Principal Defender for the Residual Special Court. The panel was chaired by Justice Nahamya who previously served as Principal Defender at the Special Court, and included a former Special Court defence counsel and the Residual Special Court’s Senior Legal Officer. The interviews, which were done by telephone, were challenging as the candidates were located on different continents, and the interviewers themselves took part from different locations. Connectivity posed a significant problem which was however surmounted by the panel.

Justice Nahamya reviewed the rules of procedure and evidence of International Tribunals and some of the practice directions on the work of the Registry, as well as the Residual Special Court’s Directive on Witness Support. The work will contribute to the guidelines for the Registrar at the International Crimes Division of the High Court of Uganda. Justice Nahamya was also requested to

contribute to articles for publication for Makerere University, Kampala, on a topic relating to outreach and witness protection at the Special Court as compared to the practice in Uganda. At a meeting of Judges with His Excellency the President of Uganda in August 2015, she shared her thoughts on the legacy of the Special Court.

In August, Justice Teresa Doherty lectured students at the University of Washington, Seattle, Washington, U.S.A, on the developments of the jurisprudence of the Special Court and on the application of human rights treaties to customary law. This is the eighth year that she has been invited to speak to the students. In October, Justice Doherty participated as a speaker in the European Union Rule of Law in Post Conflict Countries Program. She spoke on transitional justice, referring to Sierra Leone's experience with the Special Court for Sierra Leone, the Truth and Reconciliation Commission and the Special Court Outreach Programme. She also spoke on developments in international criminal law, emphasising in particular the developments achieved by the Special Court.

Justice Doherty also spoke at the University of Ulster Transitional Justice Institute to Masters degree and Ph.D. students on the hybrid tribunals and on the contribution of the Special Court to developments in international criminal law. In November, Justice Teresa Doherty acted as an external examiner in a Ph.D thesis on Presentation of Evidence in the International Criminal Court at the University of Hull, in England, UK. She was also elected as an Honorary Bencher of the Inns of Court of Northern Ireland.

In September, Justice Shireen Avis

Fisher was the keynote speaker at the "President's Forum" at Hobart and William Smith Colleges, Geneva, New York on the topic "The battle against impunity - are we losing the war?" She spoke on the jurisprudence and structure of the Special Court and the future work of the Residual Special Court. In November, Justice Fisher delivered the Peace Palace Commemoration Lecture "70 Years Nuremberg", in the Academy Building of the Peace Palace in The Hague. The Lecture was organised by the Peace Palace Library and the Dutch Carnegie Foundation on the occasion of the 70th anniversary of the Nuremberg Trials. The lecture focused on the development of international criminal law, and compared the Nuremberg trials and procedures with those of the modern international tribunals and courts. She spoke on the subject of the development of the prosecution of gender crimes under international criminal law, commenting specifically on the gender jurisprudence of the Special Court, and more generally on the current status of the international criminal justice system.

In November, President Philip N. Waki participated in the African Court on Human and Peoples' Rights "Continental Judicial Dialogue With National Judiciaries" on the general theme "Connecting National and International Justice" in Arusha, Tanzania. The following topics were discussed, amongst others:

- Procedural innovations/reforms towards enhancing access to justice and rights protection.
- The creation of special court divisions and their impact on enhancing access to justice and the promotion of human rights.
- Effectiveness of special courts in

enhancing access to justice and promotion of human rights.

- Incorporation of technology in court processes and its contribution to enhancing effectiveness and efficiency of the judicial process.
- Recent trends and developments on human rights jurisprudence from regional and continental mechanisms and courts.
- Recent trends and developments on human rights jurisprudence from national courts.
- Continuing judicial education and management of judicial institutions.
- The various approaches to ensuring quality management systems for courts.
- Compliance with decisions of regional/courts mechanisms through national courts.
- The way forward on establishment of a judicial network in Africa.

Reports were also delivered on two ongoing projects: Strengthening the Capacities of the African Court and African Commission on Human and Peoples' Rights and the Programme of Support to the African Union Commission and Other African Union Organs.



THE OFFICE OF THE PROSECUTOR

THE PROSECUTOR'S ACTIVITIES

The Prosecutor continued to engage in activities in accordance with the mandate of her office, working both remotely and in The Hague office. She also supported Residual Special Court fundraising activities in collaboration with the Registrar. In addition, the Prosecutor attended international meetings at which she articulated the work of the Court and promoted the institution's positive image.

The Prosecutor worked in The Hague office for one week in July (15 - 21 July), during which time she reviewed current operations and procedures with the Prosecution Legal Adviser/ Evidence Officer. The Prosecutor also provided strategic direction and guidance on ongoing prosecutorial activities. In July, the Prosecutor also participated in a capacity-building workshop in Tbilisi, Georgia.

She attended the 9th Annual International Humanitarian Law Dialogs at the Robert Jackson Center in New York State in August and delivered a briefing on activities of the Residual Special Court and its current challenges, including primarily the need to develop a sustainable funding platform. The meeting discussed developing trends and contemporary issues of interest in the field of International Humanitarian Law.

In September, the Prosecutor attended a meeting of the Advisory

Board of the International Nuremberg Principles Academy held in Nuremberg, Germany. The Prosecutor also participated in a training seminar in Botswana hosted by that country's Attorney General and the Wayamo Foundation.

STAFFING

Former Special Court-Office of the Prosecutor Associate Information Management Officer Aminata Allen joined the Office of the Prosecutor on a short-term contract in early October to assist in completing the archiving of Special Court – Office of the Prosecutor records. She is also assisting in the creation of a new platform with new security features and classification for real time archiving of current Residual Special Court records. In addition, she will provide support to the Registry after completing her assignment with the Prosecutor's Office.

PRACTICE DIRECTIONS

The Prosecutor, with the assistance of the Prosecution Legal Adviser/ Evidence Officer, responded to a call from the President for review of a number of Practice Directions, to wit: Practice Direction on Designating State for Enforcement of Sentence and Practice Direction on Procedure on Request for Convicted Person to Appear as Witness.

In relation to Moinina Fofana's Conditional Early Release, she responded to the President's In-

teroffice Memorandum regarding Article 10(G) of the Practice Direction on Conditional Early Release. Following Moinina Fofana's release from prison and his return to Sierra Leone in March, the Prosecutor issued a press statement explaining to the Sierra Leonean public the meaning and implications of Fofana's release into the society before the completion of his full term.

Charles Taylor's Transfer Motion Filings in Charles Taylor's "Motion for Termination of his Sentence in the UK and Transfer to Rwanda" continued into early 2015. In addition to its previous pleadings, the Prosecution filed "The Prosecutor's Reply to the Applicant's Response to the Registrar's Rule 33 Submissions", and the Prosecutor's Submissions in Response to Mr. Taylor's subsidiary application to compel the Registrar to file a public redacted version of her Rule 33 submission. Following the Trial Chamber's Decision denying his Motion for Transfer, Mr. Taylor filed an application for leave to appeal the Trial Chamber's Decision to which the Prosecutor filed a Response.

REQUESTS FOR INFORMATION/ASSISTANCE

The Prosecutor continued to respond to requests for assistance from national prosecution authorities in accordance with her mandate. Requests are typically for information about persons, incidents and events related to crimes committed against civilians during the conflicts in Sierra Leone and Liberia. The Prosecutor's Office responded to four new requests during the year, all involving additional or follow-up requests on information provided. There also remained outstanding requests that spilled over from 2014. In one of the new cases, officers from the

requesting authority visited the Prosecutor's Office in The Hague. The visit enabled direct discussions with the Prosecution Legal Adviser/Evidence Officer on the wider details of the information required. In addition, the Prosecutor received a request from one media organisation for an interview.

WITNESS ISSUES

The Prosecutor continues to monitor the well-being of witnesses through updates from the Witness and Victims Office in Freetown, particularly on issues relating to witness security and safety. During the year, three former prosecution witnesses died of natural causes.

DIPLOMATIC ACTIVITIES (HAGUE)

During the period, the Prosecution Legal Adviser/Evidence Officer continued to represent the Prosecutor at academic and diplomatic social events in The Hague. Events attended included a reception hosted by the Permanent Representative of Belgium to the International Institutions in The Hague, H. E. Willy De Buck; a Solemn Declaration ceremony for six newly-elected ICC Judges; a panel discussion on "Women in Key Leadership Positions in the Field of Law: Global Perspective", organised by Hague-based foreign embassies to commemorate the UN's International Women's Day; a seminar on "The Criteria for Opening Preliminary Examinations and Investigations by the Office of the Prosecutor", hosted jointly by the Embassies of the Republic of Poland and the Plurinational State of Bolivia, served as co-facilitators of The Hague Working Group on Strategic Planning; a public lecture hosted by the TMC Asser Institute,

speaker: International Criminal Court Deputy Prosecutor, James Stewart, on the topic, "International Criminal Law – a personal note on its practice and current challenges"; Premiere of a new International Criminal Tribunal for the Former Yugoslavia documentary, "Crimes before the ICTY: Central Bosnia"; musical concert hosted by the Embassy of the Grand Duchy of Luxembourg in honour of the country's presidency of the European Union.

TRIM AND ARCHIVING ISSUES

The intervention of Andreas Nef, long standing Residual Special Court Information Technology consultant, in addressing continuing issues related to effective functionality of the TRIM database brought improvement to teething problems and significantly enhanced search capability for underlying documents. This was achieved through activation of the search field, "document content". Steps towards achieving a permanent solution are ongoing. The consultant advises that such steps will necessarily involve a software upgrade.



THE REGISTRY

EXECUTION OF PRIMARY MANDATE

In line with its primary mandate to carry on the ongoing obligations of the Special Court, *inter alia* ensuring ongoing protection to witnesses and victims, maintenance of the Special Court archives, and monitoring enforcement of sentences, the Residual Special Court Registry did the following between 1 January and 31 December 2015:

VICTIMS AND WITNESSES

The Residual Special Court WVS in Freetown continued fulfilling its obligations throughout the reporting period, during which time staff at the office in Freetown monitored 100+ former witnesses, and maintained contact with persons in Freetown, as well as those relocated elsewhere in Sierra Leone and in other countries. The WVS also monitored all other witness-related matters.

During the first half of the reporting period, due to the ongoing Ebola crisis, emergency measures prevented WVS from travelling to any affected region. The WVS staff, notwithstanding the Ebola outbreak, maintained frequent contact with witnesses by telephone, and provided medical supplies and support through established networks, including information about preventing the spread of the virus.

From April to July 2015, WVS carried out a thorough witness assessment to verify the number of witnesses still in their care following the Ebola crisis and to record any

changes to the witnesses' contact details. Many of the Ebola-related restrictions on travel were lifted in the second half of 2015, allowing WVS to resume regular travel up country to check on witnesses. The WVS staff travelled to the northern, eastern and southern provinces and throughout the Western Area of Sierra Leone, as well as to Liberia. During the assessment, the WVS also heard from witnesses regarding safety, security and well-being issues they faced. The WVS will continue to work to resolve those issues in the coming months.

In accordance with the Practice Direction on Conditional Early Release, in January 2015, WVS contacted all relevant witnesses relating to the conditional early release of Special Court prisoner Moinina Fofana, including those residing in the City of Bo where he was released.

MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

In 2015 three short-term SSA contractors were hired as archivists to boost the Court's archiving capability and reduce the backlog of work. In particular, the archivists continued the process of identifying and correcting any gaps in the records, completing the archiving of all final documents and data from the Special Court, as well as establishing a system to enable filing of Residual Special Court documents in real time, and so allow for the most efficient file management going forward. An audit of the archives was commenced to assist in completing the archiving of all final

documents and data.

In the same month, the Registrar's Legal Officer and archivists met with a representative of the Dutch National Archives to discuss the logistics of obtaining urgent access to the storage facility housing the records. An arrangement was put in place to gain such access.

ENFORCEMENT OF SENTENCES

The Residual Special Court continues to monitor the enforcement of sentences imposed by the Special Court. The day-to-day management of enforcement of sentences is carried out by the Enforcement States in accordance with the Special Court's enforcement of sentences agreements with the respective enforcement states. During 2015, eight Special Court convicted persons continued to serve their sentences in Rwanda, and one in the United Kingdom ("UK"). As discussed in detail further on, in March 2015 one of the eight prisoners in Rwanda was released conditionally, and is now serving the remainder of his sentence in Sierra Leone.

REGISTRY ENGAGEMENT WITH ENFORCEMENT STATES

The Registrar provided regular updates to the Rwandan and UK authorities in order to keep them up to date on the operations of the Residual Special Court, as well as the Ebola Virus situation in Sierra Leone, and to maintain an open line of communication with respect to the prisoners. Dialogue with Rwanda also included open discussions about the conditional early release procedures.

Rwanda

In Rwanda, the Residual Special Court continued to work closely with the Rwandan Correctional Service ("RCS") to enforce the sentences on the Special Court convicts housed at Mpanga Prison. Through the Associate Defence Legal Officer, the Residual Special Court continued to respond to specific requests from the prisoners. The Registrar's Office also continued to coordinate with the International Committee of the Red Cross/Red Crescent ("ICRC") to ensure that the conditions of confinement met international standards. The ICRC visits the prison once a year to verify whether the sentences are enforced in accordance with international standards. In 2015 the Registrar met with the ICRC to discuss their 2014 report and recommendations concerning Mpanga Prison. The Residual Special Court continues to work in cooperation with the Rwandan Correctional Service to implement recommendations received from the ICRC's report. In August 2015, the Registrar commissioned a visit to Rwanda by the Residual Special Court Prison Advisor, Mr. Paul Wright, in order for Mr. Wright to meet with the prison authorities and Special Court prisoners serving their sentences at Mpanga Prison. The visit also included a meeting with the ICRC. During the course of this visit, the prisoners raised the issue of resumption of family visits which were suspended until the Ebola crisis was contained. Following the announcement by the World Health Organisation on 7 November 2015 that the Ebola outbreak in Sierra Leone was over, the Registrar contacted the Rwandan Government to notify them of the improvement of the Ebola situation in Sierra Leone and to request

resumption of family visits for the convicted persons in Rwanda.

United Kingdom

Charles Taylor continued to serve his sentence at HMP Frankland in Durham, UK throughout the reporting period. Mr. Taylor brought a number of issues to the attention of the Court since his transfer, and the Residual Special Court continues to coordinate as necessary with prison authorities and defence counsel on all matters relevant to his service of sentence, including hiring a medical officer to advise the Court on matters relating to his treatment. Additionally, the Registrar's Office worked with Mrs. Taylor and the UK Government on her application for a visa to travel to the UK. In September 2015 Mrs. Taylor was issued a six-month visa by the UK Consular Office in Accra, Ghana.

As previously reported, Mr. Taylor filed a "Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda." On 12 November 2014, the Registrar filed a Rule 33(B) Submission comprised of two parts – a confidential submission and a supplemental ex parte submission for the Trial Chamber only. Additionally, the Registry provided support services to Chambers in order to ensure that the Trial Chamber was able to have in-person deliberations on the Motion. On 30 January 2015, the Trial Chamber denied Mr. Taylor's motion for transfer and issued a confidential decision to the effect.

A public version of the Trial Chamber's decision was issued on 25 March 2015. As reported in the Office of the President Section above, the President upheld the Trial Chamber's Decision, and denied Taylor's application for leave

to file an appeal against the Trial Chamber's Decision on 25 May 2015.

The Registrar's Office also maintained contact with the European Committee for the Prevention of Torture and Inhuman Treatment ("CPT"), with which the Residual Special Court has an agreement to conduct annual checks of Mr. Taylor's conditions of imprisonment.

Conditional Early Release of Moinina Fofana from Mpanga Prison, Rwanda

As noted in the First Annual Report, on 11 August 2014 the President issued his Decision on Moinina Fofana's application for Conditional Early Release ("Decision"), in which the President suspended Mr. Fofana's early release for six months while he received additional training on the required conditions for his Conditional Early Release. Upon completion of the training, in January 2015 a team of four Residual Special Court staff members was commissioned to interview Mr. Fofana in order to ascertain his understanding of the issues outlined in the Decision. The evaluation was conducted in Mr. Fofana's local language – Mende. The team included a Moderator, a Krio interpreter, a Mende interpreter, and a defence staff member who served as Mr. Fofana's representative to ensure that the interview was conducted fairly. Thereafter, the team submitted a report stating they were satisfied that Mr. Fofana understood the fundamental issues contained in the President's Decision.

In February 2015, the Registrar interviewed Mr. Fofana briefly to verify the findings of the report and found that he fully understood the issues raised in the Decision. Following the certification of Mr.

Fofana's training, a Conditional Early Release Agreement was executed in accordance with the Decision and the Practice Direction for Conditional Early Release of Prisoners Convicted by the Special Court for Sierra Leone.

The Registrar coordinated closely with the Government of Sierra Leone and the Sierra Leone Police to establish the Sierra Leone Police Monitoring Authority, which will supervise Mr. Fofana's Conditional Early Release. The Monitoring Authority is supported by the local paramount chief and members of the Bo Community. On 2 March 2015 Defence Office personnel together with former Special Court Outreach Coordinator Mr. Patrick Fatoma and former Special Court Head of Court Management Ms. Elaine Bola-Clarkson went on a mission to Bo, Kenema, Bonthe and Moyamba districts to support the work of the Monitoring Authority, including conducting and explaining the terms of the conditional early release contained in the Decision of the President of Residual Special Court. During this mission, various documents relating to Conditional Early Release were distributed to the Monitoring Authority to enhance their skills for the implementation of the Memorandum of Understanding signed between the Residual Special Court and the Government of Sierra Leone on the Conditional Early Release of Mr. Fofana since this is the first time supervision of conditional early release granted by an international court is being carried out.

On 8 March 2015 Defence Office personnel travelled to Ghana to facilitate Mr. Fofana's return from Rwanda. Mr. Fofana was escorted to Ghana by Captain Hillary Sengabo, Legal Adviser and Prison Inspector of the Rwandan Correctional Service. Upon Mr. Fofana's

arrival in Freetown, he met with the Residual Special Court Registrar who ascertained that he understood the conditions of his early release agreement. A press conference was held in order to inform the public of Mr. Fofana's release, and to give him the opportunity to publicly apologise for his crimes. Mr. Fofana apologised publicly to the people of Sierra Leone for his unlawful acts during the war. He was then escorted by Residual Special Court staff and Defence Office personnel to his community in Bo where he had chosen to serve the remainder of his sentence. Upon arrival in Bo, Mr. Fofana was handed over to the Monitoring Authority at the Bo East Police Station, and was again briefed on his obligations and conditions under the Conditional Early Release Agreement. Subsequently, he was taken to his residence where he was met by his family and friends. Mr. Fofana will serve the remainder of his sentence, approximately three years, in his community of Bo, Sierra Leone under the supervision of the Residual Special Court and the Monitoring Authority, provided he complies with the conditions of the Conditional Early Release Agreement.

Prior to Mr. Fofana's release, a robust outreach programme was devised to communicate the President's Decision to the people of Sierra Leone. Radio programmes were recorded and a strategy was outlined for visiting key areas in the country. Unfortunately, due to Ebola-related travel restrictions, this outreach travel had to be cancelled. Radio programmes were still broadcast in some areas, but they too received limited air time due to the need for continual radio updates on the Ebola crisis.

Effect of the Conditional Early Release of Mr. Moinina Fofana on the Special Court convicts in Rwanda

Correctional Service

The prisoners in Mpanga Prison have told Defence Office personnel that they are hopeful of obtaining Conditional Early Release should they conduct themselves properly. From the foregoing, it is the observation of the Defence Office that the Decision on Mr. Fofana's Conditional Early Release has positively impacted upon the conducts of other Special Court convicts. Since this Conditional Early Release was granted, the manner of the prisoner's communication has changed. They comport themselves better and Issa Hassan Sesay has assumed the role of a counsellor amongst the convicts. They told the Defence Office personnel that they are hopeful that they will also be released conditionally if they continued to behave well. Special Court convict Morris Kallon during this period requested his school transcript and testimonial to be obtained from Christ the King's College in Bo to pursue further studies at one of the universities in Rwanda. The Defence staff facilitated the process of obtaining Kallon's school papers and these documents have been sent to Rwanda Correctional Service for onward transmission.

PRINCIPALS AND ROSTER OF JUDGES

The President of the Court, Justice Philip Waki, along with Judges called upon by the President to serve, continued to perform their functions remotely and on *ad hoc* basis. Judicial deliberations and the Plenary of judges were conducted at the Court's interim seat in The Hague, lasting for approximately one week. During the reporting period Residual Special Court Prosecutor Ms. Brenda J. Hollis also performed her functions remotely on

an *ad hoc* basis, and occasionally at the interim seat of the Court. The Principal Defender, Mr. Ibrahim S. Yillah, worked remotely and on an *ad hoc* basis. The Registrar remains the only Principal per the Statute who works on a full-time basis.

STAFFING

The Residual Special Court undertook recruitment of several key positions during the reporting period, leading to it being fully staffed with the small required contingent of full-time personnel. Additionally, though the Residual Special Court strives to be a lean organisation, its operations require a diversity of skills that make it difficult to manage the workflow of the Residual Special Court mandate without additional assistance. As a result, the Registrar has retained the services of certain individuals who have previously worked for the Special Court in the same capacity as their former roles at very minimal or no cost to the Residual Special Court, unless they are called upon to work. These include a Press Officer, a Detention Officer, Legal Officers, CITS Officers, Archivists, and a Medical Officer in an advisory role (for medical issues with regards to prisoners) and interns, all of whom were briefly brought in to complete a variety of tasks and projects.

FULL-TIME STAFF

The Residual Special Court office in The Hague is served by a small staff including Archivists, an Office Administrator, a Registry Legal Officer, an Associate Legal Officer, a Finance Officer, and a Prosecution Legal Advisor. Staff positions in Freetown included three full-time witness and victim protection staff, an Associate Defence Legal Officer, an office administrator and a clean-

er. In New York, a Liaison Officer serves on a part-time basis.

STAFF ON A ROSTER

Pursuant to Article 15.4 of the Statute, a roster was compiled containing the names of former Special Court staff with specialised skills to be called upon as necessary should there be *ad hoc* proceedings. A roster of legal officers to assist the President and Registrar, *ad hoc*, as well as a roster of defence counsel were also maintained.

As a result of the on-going cooperation between the Residual Special Court and Brandeis University in the United States, the Residual Special Court accepted a student from the university as intern in the second quarter of 2015. This was the Residual Special Court's second intern from Brandeis University.

FACILITIES

Residual Special Court Interim Seat in The Hague

The Residual Special Court continued to share its seat and administrative and technical platforms with the International Criminal Tribunal for the Former Yugoslavia ("ICTY") during the reporting period. These cost efficient arrangements are the result of a memorandum of understanding between the ICTY and the Residual Special Court and have proven to be beneficial to the smooth functioning of the Residual Special Court office in The Hague. In June 2015, the Registrar's Legal Officer and Finance Officer met with an ICTY Legal Officer and Chief of Administration to discuss issues concerning the proposal or feasibility of housing the Residual Special Court archives at the premises of

the ICTY, which is also expected to be retained as the premises of the Mechanism for International Criminal Tribunals (“MICT”).

As reported in 2014, the ICTY was scheduled to participate in the United Nations migration to a new administrative platform, Umoja, in 2015. Umoja is being implemented throughout the United Nations to improve business processes, administration and use of resources by streamlining processes and reducing time spent on paperwork and manual administration for United Nations entities. The ICTY and MICT migrated to the Umoja platform on 1 November 2015. Due to the administrative platform sharing agreement between the Residual Special Court and ICTY, this migration to Umoja may impact the level and type of support provided to the Residual Special Court once the ICTY’s migration has been completed.

The Residual Special Court Registrar, Finance Officer and Legal Officer held consultations and coordination meetings with the ICTY Registrar, ICTY Chief Administrative Officer and his staff and Umoja Officials during the reporting period in preparation for the migration. The Oversight Committee, the Residual Special Court, and ICTY continue to consult on appropriate means for the ICTY to support the Residual Special Court notwithstanding the changes that will come with Umoja. The ICTY confirmed that it remains committed to continuing to provide administrative services as enumerated in the memorandum of understanding between that body and Residual Special Court. Several options including integrating the Residual Special Court into Umoja, or the ICTY continuing to maintain the *status quo* are being explored.

RESIDUAL SPECIAL COURT BRANCH OFFICE IN FREETOWN

In Freetown, the Residual Special Court occupies a portion of the former Special Court site and shares the site with the Law Reform Commission, the Peace Museum, the Sierra Leone Law School, and other justice sector organisations.

Until July 2015, the former Special Court site was also shared with UNMEER, the UN Mission set up to combat Ebola, and served as the central office for the National Ebola Response Centre (NERC). UNMEER requested additional office space, which was provided with the understanding that, if needed, the office space would be returned immediately. By the end of the reporting period, both UNMEER and the NERC had drawn down and left the site.

CHALLENGES DUE TO THE EBOLA VIRUS OUTBREAK

The Ebola Virus disease, which was first detected in Sierra Leone in May 2014, continued to affect Sierra Leone throughout most of 2015. According to the National Ebola Response Centre (NERC), as of 7 November 2015 there had been 8,704 cumulative confirmed cases of Ebola infection in Sierra Leone, and an estimated 4,051 survivors. There having been no new cases of Ebola Virus Disease in Sierra Leone for 42 days, the country was declared Ebola-free on 7 November 2015.

As noted in the 2014 report, the Ebola Virus spread throughout the whole of Sierra Leone, affecting every region, as well as its bordering nations of Guinea and Liberia. Travel was restricted between countries. Some African nations

closed their borders to Ebola-affected countries, and many international airlines suspended flights to Freetown. The advice of both the United States and United Kingdom governments was that only essential travel into Sierra Leone should take place. This carried on through early 2015, when the crisis ebbed.

The work of the Residual Special Court’s Freetown Office was affected by the crisis in 2015. Travel up country was limited due to the travel restrictions until the State of Public Emergency was eased and restrictions on travel within the country were lifted in July 2015. As already stated, this constrained the regular missions of WVS, and affected the Outreach programme designed in anticipation of the Conditional Early Release of Moinina Fofana. Since the continued closure of the Rwandan border to those travelling from Sierra Leone, the Special Court prisoners’ wives’ annual visit to Mpanga Prison was, as in 2014, suspended until all travel restrictions are lifted by the Government of Sierra Leone and the Government of Rwanda. Sierra Leone has now lifted travel restrictions. Once Rwanda lifts travel restrictions, family visits will recommence.

In an effort to stop the spread of Ebola, a “Get to Zero Campaign” took place during March 2015. People were told to stay at home across the country while volunteers went door-to-door educating people on Ebola prevention and encouraging sick people to seek treatment.

PRACTICE DIRECTIONS AND ADMINISTRATIVE DOCUMENTS

The Residual Special Court continued the process of revising internal documents throughout the report-



ing period. Though the Rules allow for practice directions governing the internal workings of the Special Court to apply, *mutatis mutandis*, to the Residual Special Court, many continue to be updated to best reflect the differing needs of the Residual Special Court.

As already reported in the Office of the President and Office of the Prosecutor sections above, certain practice directions were finalised and published in 2015 in consultation with the President's Office, Office of the Prosecutor and the Defence Office as necessary.

In 2015, a review of administrative documents, including the Residual Special Court Staff Regulations and Rules, Code of Conduct, Disciplinary Procedures for Staff Members, and other internal policies of the Residual Special Court, was conducted. An Administrative Instruction on Filing Claims for Remuneration was issued after consultations with the President, Prosecutor and Oversight Committee to ensure a

transparent, fair and proper administration of claims for remuneration.

A proposal for the election of a staff appeals judge was presented for consideration during the Judges' Plenary held in The Hague during the week of 30 November 2015. The Plenary elected Justice Pierre Boutet as Staff Appeals Judge and Justice Elizabeth Nahmya as Deputy Staff Appeals Judge. Revisions to the Practice Direction on Conditional Early Release were also presented to the President following a discussion on the matter during the Plenary.

FINANCIAL SITUATION

Audit

From 18 to 22 May 2015, the South African Auditor General conducted an on site audit of the Residual Special Court's 2014 accounts. The audit is on-going and the Court is currently awaiting the final report.

Budget

The Residual Special Court Oversight Committee approved the Residual Special Court Fiscal Year 2015 Budget for approximately \$3.5 million and approximately another \$3.5 million per year for the 2016-17 Residual Special Court budget.

The Residual Special Court received the following contributions in 2015: Austria - US\$22,185.96, Finland - US\$110,497.24, Luxembourg - US\$21,208.91, United Kingdom - US\$111,432.97, United States - US\$1,600,000.00, The Netherlands - EUR 500,000, Turkey - US\$50,000, Sweden - SEK 500,000, and Ireland - EUR 150,000. Available funds will cover Residual Special Court operations until April 2016. However, this scenario may change if there are any unforeseen developments requiring additional resources.



DEFENCE OFFICE

The Defence Office of the Residual Special Court for Sierra Leone continues to carry out its legal obligations pursuant to Article 17 of the Statute and Rule 45 of the Rules. This report details Defence Office activities for the period 1 January through 31 December 2015.

RECRUITMENT OF TWO DEFENCE OFFICE PERSONNEL

During the period under review, the Registrar of the Residual Special Court, acting under Rule 33(A) and 45 of the Rules, successfully recruited a Principal Defender to head the Defence Office. The Principal Defender, Ibrahim Yillah, is a Sierra Leonean lawyer with the requisite experience, having served in the Special Court and the International Criminal Court for over ten years. Also, the Registrar recruited an Associate Defence Legal Officer to oversee the day to day management of the Defence Office and operate on a full-time basis. The office is also assisted by an *ad hoc* pro bono contractor whose services are engaged primarily to co-ordinate matters relating to Mr. Charles Taylor's family, *vis-a-vis* family visits and other related matters.

FAMILY VISITS

A. Taylor Family Visits

In April 2015, the Residual Special Court Defence Office received a request from Mrs. Victoria Addison-Taylor, wife of Mr. Charles Taylor, for the Residual Special Court Registrar to facilitate the processing of her application together with those of her two

daughters for a UK entry visa. The visa was to enable them visit Mr. Charles Taylor who is currently serving his prison sentence in the United Kingdom. Due to the change in the Liberian school calendar year however, Mrs. Taylor decided not to proceed with the application in respect of her daughters.

The *pro bono* contractor provided Mrs. Taylor with all necessary support for the completion of her application form. The Defence Office also received invaluable support from the Registrar, including the issuance of a *Note Verbale* in support of Mrs. Taylor's visa application. On the 9th October 2015, Mrs. Taylor confirmed receipt of a six-month UK entry visa and expressed her appreciation for the assistance received. Having confirmed her travel dates for the trip, the Defence Office informed the Registrar who in turn contacted the prison authorities in the UK ahead of Mrs. Taylor's trip to further facilitate her visit to the prison.

B. Family visits for Special Court Prisoners in Rwanda

Family visits to Special Court prisoners in Rwanda have been put on hold following the outbreak of the Ebola Virus Disease (EVD) in Sierra Leone. Shortly after it was reported that Sierra Leone had been one of the countries that had been hit by the Ebola Virus Disease, the Government of Rwanda and to some extent the Government of Sierra Leone, issued a moratorium placing travel restrictions on anyone travelling to or from the three Ebola-affected countries of Guinea, Liberia and Sierra Leone.



These travel restrictions are still in place. The Defence Office will continue to monitor the situation and will advise the Residual Special Court Registrar as to when it might be ideal to recommence such family visits.

COMMUNICATION BETWEEN SPECIAL COURT PRISONERS IN RWANDA AND FAMILY MEMBERS

The Defence Office continues to facilitate ongoing communication between Special Court prisoners and their respective family members in line with international best practices. In April 2015, Santigie Borbor Kanu, Alex Tamba Brima, Ibrahim Bazy Kamara, Morris Kallon and Augustine Gbao requested that certain telephone numbers belonging to their respective family members be approved and added to the call list of family members. The Defence Office carried out a verification exercise of the telephone num-

bers in question in accordance with prison security requirements. At the end of the verification exercise, all the telephone numbers were approved and have been added to the call list accordingly.

ASSIGNMENT OF COUNSEL

The following Special Court prisoners - Alex Tamba Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu - requested that the Defence Office assign to them Mr. Melron Nicol-Wilson and Honourable Ajibola Manley-Spaine, respectively, as *pro bono* counsel. Another Special Court prisoner, Alieu Kondewa, also requested that Mr. Melron Nicol-Wilson be assigned to him as *pro bono* counsel. The Principal Defender consulted with Mr. Melron Nicol-Wilson and Hon. Ajibola Manley Spaine on the issue, and both counsel have agreed to served as *pro bono* counsel. They fully understand that their services are at no cost to the Residual

Special Court. As a result, mindful of the Practice Direction on the Assignment of Counsel, the Principal Defender has assigned the two individuals as *pro bono* counsel. It must be noted that Mr. Melron Nicol-Wilson and Honourable Ajibola Manley-Spaine are listed as qualified counsel in the list of Counsel of the Residual Special Court.

FUNDRAISING AND DIPLOMATIC RELATIONS

OVERSIGHT COMMITTEE

During the reporting period, the Oversight Committee and the Residual Special Court Principals held a series of discussions on securing an alternate means of long-term funding for the Court. The Registrar regularly participated in the Oversight Committee's meetings in teleconference and the Liaison Officer in New York attended in person.

In April 2015, Mr. Giles Norman, Chair of the Residual Special Court Oversight Committee and Mr. Paul Oertly, Legal Officer from the United Nations Office of Legal Affairs, visited the Residual Special Court office in The Hague. During their visit, they met with the ICTY Registrar regarding the services provided to the Residual Special Court. They met also with Residual Special Court staff and expressed the Oversight Committee's support of their work, and concern for the Ebola situation in Sierra Leone.

FUNDRAISING CHALLENGES

During 2015 the parties to the Agreement, the Sierra Leonean Government, the United Nations Office of Legal Affairs, and the Oversight Committee, intensified efforts at securing a long-term funding solution for the Court. The Chair of the Oversight Committee convened coordination meetings to facilitate discussions pertaining to finding a long-term solution to the Residual Special Court's financial situation. An appeal letter was sent by the

United Nations Secretary General to all member states of the United Nations highlighting the Residual Special Court's mandate to continue the on-going legal obligations of the Special Court which is key to maintaining the investment of the international community in the Special Court and anchoring and preserving its legacy for Sierra Leone and the region. Additionally, the Office of Legal Affairs has been holding internal consultations on this matter.

In a meeting with the United Nations Secretary General in July 2015, His Excellency the President of the Republic of Sierra Leone expressed his concern over the Residual Special Court's financial situation and requested a long-term solution to the problem. The Government of Sierra Leone also sent a *note verbale* and a letter to the African Regional Group and fully engaged its member states to garner support for securing permanent funding. The Government of Sierra Leone has also been holding bilateral meetings with member states of the United Nations. During 2015 the Registrar also held consultations with Government of Sierra Leone officials in Brussels, Addis Ababa, New York and Freetown regarding the financial situation of the Residual Special Court and to coordinate Sierra Leone's leadership role in advocating for a long-term sustainable means of funding for the Court.

The Registrar also held consultations with the President and Prosecutor on matters related to the financial situation of the Court.

The Registrar and Prosecutor attended a total of over 20 meetings with Government of Sierra Leone officials, United Nations Member States, the African Union, the United Nations Office of Legal Affairs, and the Oversight Committee to discuss the on-going financial challenges of the Residual Special Court and the need for permanent funding solutions. The overarching theme expressed by those with whom the Registrar met was the need for support, including African support for a sustainable funding option. The Prosecutor continued to communicate with the Registrar regarding strategies and activities to address the dire short-term funding shortfall of the Residual Special Court and finding a long-term solution to the funding challenges.

In July, the Prosecutor joined the Registrar on a three-day fundraising mission to New York City, during which they attended a meeting with the Residual Special Court Oversight Committee and briefed the members on the operations of the Court. Concern was expressed about the financial situation of the Court and members stated that they understood the challenges the Court faced and were fully committed to finding a long-term solution. The Prosecutor briefed members on potential ways that residual mechanisms could cooperate to achieve greater efficiencies. The Registrar also provided updates to members on Umoja. The Prosecutor and the Registrar, with the support of the Oversight Committee and Sierra Leone's Permanent Mission to the UN, also engaged in a number of diplomatic visits raising awareness about the Residual Special Court's work and its funding challenges. As a follow up to the fundraising trip, the Prosecutor prepared a concept paper on sustainable funding for the Oversight Committee.



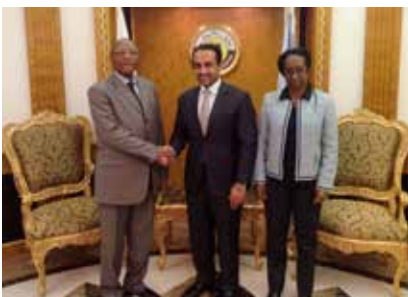
The Registrar and the Liaison Officer continued throughout the reporting period to communicate with the diplomatic communities in The Hague and New York, respectively, in order to provide any necessary information that could assist States in making donations.



In July 2015 the Registrar attended a high-level pledging conference put on by the United Nations Trusteeship Council and attended by the Presidents of Sierra Leone, Guinea, and Liberia.

MEETINGS WITH OTHER TRIBUNALS AND DIPLOMATIC COMMUNITY

During the reporting period, the Residual Special Court principals and staff had regular interaction with other courts and tribunals on matters of mutual concern. In this regard, the Registrar and Legal Officer met with the Special Tribunal for Lebanon (STL) Registrar to discuss areas of mutual interest, including legacy, outreach, and transition and closure activities. Upon a request from the STL Registrar, the Registrar of the Court shared several Special Court completion strategy documents. The Residual Special Court was also represented at a briefing at the Permanent Court of Arbitration (“PCA”) at the Peace Palace, where the Senior Legal Officer provided an overview of the services the PCA provides to international organisations. The Registrar also attended a lecture delivered by Justice Hassan B. Jallow, Prosecutor of the International Criminal Tribunal for Rwanda and MICT, held at the Peace Palace, and hosted by the African Association for International Law and African Foundation for International Law.



In May 2015 the Registrar met

with the incoming First Secretary at the United Kingdom Mission to the United Nations in New York, and Second Secretary at the British Embassy in The Hague. The Registrar briefed the First Secretary on the operations of the Court and its challenges.

In June 2015 the Registrar attended a seminar on “The criteria for opening preliminary examinations and investigations by the Office of the Prosecutor” jointly organised by the Bolivian and Polish Embassies on the occasion of the Day of International Criminal Justice.

In July 2015 the Registrar met with the Dutch Ministry of Foreign Affairs to thank them for their support and also update them on the activities and challenges facing the Residual Special Court.

NON GOVERNMENTAL ORGANISATIONS (NGOS)

The Registrar and Legal Officer conducted meetings via phone with NGOs, including Human Rights Watch, the International Centre for Transitional Justice and Amnesty International, to seek their assistance in advocating for a sustainable means of funding the Court and raising the Court’s profile. Each organisation indicated its willingness to assist. The Registrar also met with Alison Smith of No Peace Without Justice (NPWJ) regarding potential projects with which the Residual Special Court and NPWJ could collaborate.

OTHER VISITS AND EVENTS

In February 2015, the Registrar, Prosecution Legal Officer and Registry Legal Officer met with students from St. Olaf College, Northfield, Minnesota, U.S.A, and



briefed them on issues confronting the Residual Special Court as it became the first residual mechanism to an international criminal tribunal to open without having its predecessor institution operate concurrently. In June 2015, the Registrar and Prosecution Legal Officer met with 22 students from the University of North Carolina – Chapel Hill and briefed them on the activities of the Residual Special Court and its challenges. In August 2015, the Registrar attended a farewell event for Ambassador Rapp, former Special Court Prosecutor and outgoing United States Ambassador-at-Large for Global Criminal Justice. In September the Registrar attended the screening of a documentary produced by the ICTY Outreach Programme at The Hague Institute for Global Justice. In October, a Sierra Leonean delegation visited the Court during a trip to The Hague. In November 2015, the Registrar, Prosecution

Legal Officer and Registry Legal Officers met with a group of international students visiting from Maastricht University in the Netherlands and briefed them on the work and challenges of the Residual Special Court.

In September 2015, former Press and Outreach Officer Mr. Solomon Moriba won the prestigious Sidney Gross Memorial Award for the production of a documentary entitled *Still Human*. The documentary features a war wounded amputee, Edward Songo Conteh and charts his resilience and determination to influence a positive change among amputees despite the permanent scar of war which they endure.

REQUESTS FOR INFORMATION

The Registry responded to a request for information pertaining to the Residual Special Court from national authorities. Officers from the requesting authority met with the Legal Officer to discuss the request, and the requested information was provided.

The Registry responded to a request from the United Nations Office of Legal Affairs for highlights from the jurisprudential legacy of the Special Court and Residual Special Court to be included in a speech by the United Nations Legal Counsel and Under Secretary-General for Legal Affairs during commemorations honouring the 70th Anniversary of the United Nations.

ANNEX I

Budget - 2015

The Registrar submitted the Residual Special Court Fiscal Year 2015 Budget to the Oversight Committee for their consideration and approval. The proposed Fiscal Year 2015 Budget requests USD \$3.5 million for 2015, in addition to USD \$3.5 million for the next 3-5 years, which totals USD \$10.5-17.5 million, while exploring a sustainable means of long-term funding.

Fiscal Year 2015 Budget

To manage the non-judicial residual functions and the current judicial proceedings, the budget for the Residual Special Court's operations for 2015 is (US\$3,454,000). Further breakdown of the 2015 figure is as follows: permanent staffing costs (US\$2,069,500); income tax liability (US\$120,000); and Operational costs (US\$1,100,000). The operational costs include ICTY administrative support services (US\$379,700) and the annual cost for enforcement of sentences of the 8 Special Court convicted persons in Mpanga Prison, Rwanda (US\$125,200). A 5% contingency of this amount (US\$164,500) has been factored into the budget.

Requirements by object of expenditure

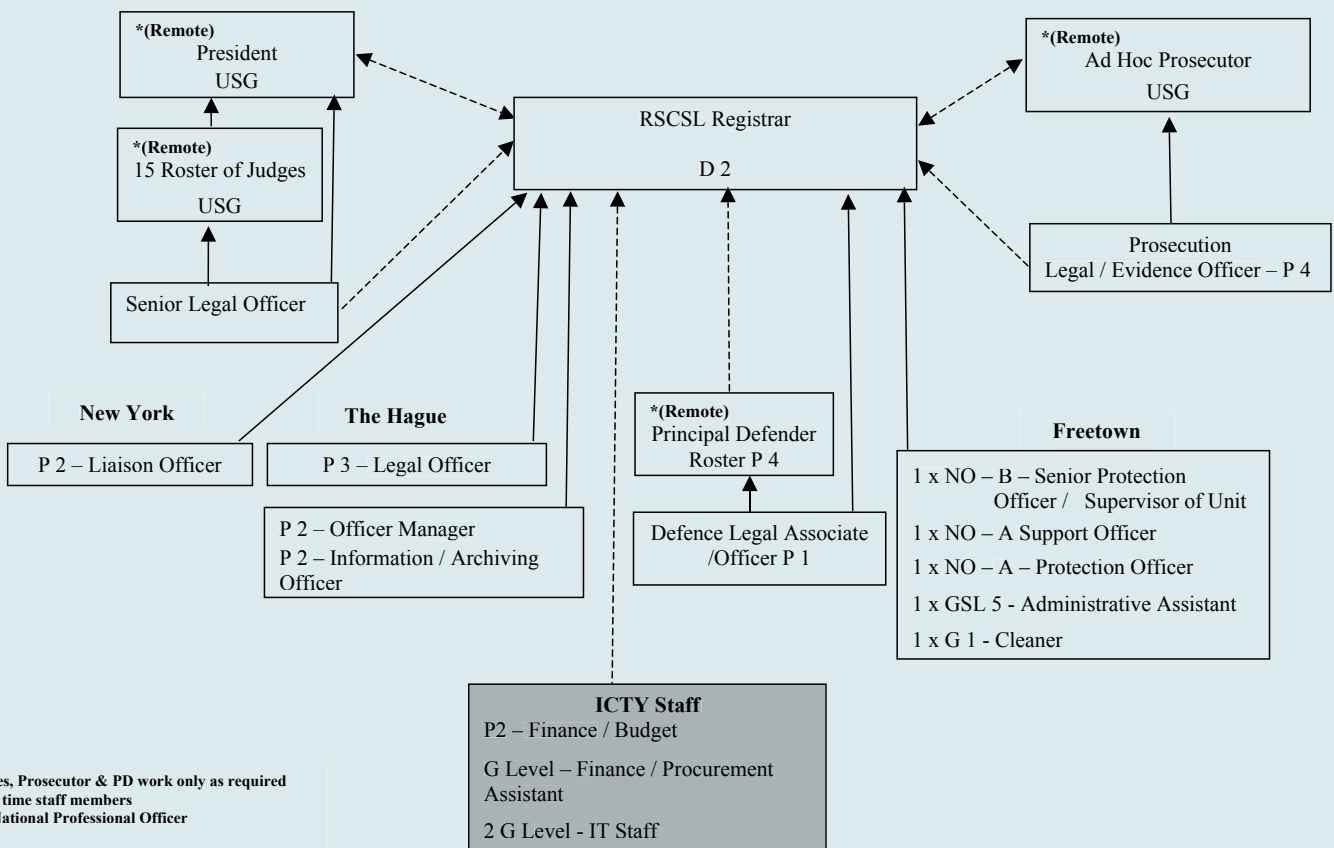
(United States dollars)

	<i>Non Judicial</i>	<i>Judicial - (CT motion and Plenary)</i>	<i>Total Budget</i>
Posts (gross)	1,036,300		1,036,300
Other Staff Cost	268,800		268,800
Salary to Judges		764,400	764,400
Consultants and experts	50,000		50,000
Witness Costs	80,000		80,000
Travel - Witness	10,000		10,000
Travel	124,000	95,000	219,000
Contractual services	526,700		526,700
General operating expenses	72,100		72,100
Supplies and materials	17,000		17,000
Tax Liability	120,000		120,000
Enforcement	125,200		125,200
Contingency	121,500	43,000	164,500
Total	2,551,600	902,400	3,454,000

ANNEX II



RESIDUAL SPECIAL COURT FOR SIERRA LEONE (RSCSL) ORGANOGRAM (2015)



ANNEX III

Residual Special Court Judges and Personnel Nationalities- 2015

JUDGES

USA	1
Austria	1
Botswana	1
Canada	1
Ireland	1
Kenya	2
Samoa	1
Sierra Leone	6
Uganda	1
United Kingdom	1
<hr/>	
Total	16

PRINCIPALS

America	1
Sierra Leone	2
<hr/>	
Total	3

STAFF

Sierra Leone	9
America	1
Australia	1
St Lucia	1
<hr/>	
Total	12

CONTRACTORS

America	5
Australia	2
Cameron	1
Canada	2
Ireland	1
Israel	1
Sierra Leone	11
St Lucia	1
The Netherlands	1
United Kingdom	1
<hr/>	
Total	26

Grand Total 57

Residual Special Court for Sierra Leone

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